

AMENDED IN ASSEMBLY APRIL 27, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 302

Introduced by Assembly Member Garrick

February 9, 2011

An act to amend Section 2671 of the Labor Code, relating to employment.

LEGISLATIVE COUNSEL’S DIGEST

AB 302, as amended, Garrick. Garment manufacturing: ~~embroidering~~ *alteration of appearance*.

Existing law regulates ~~the persons engaged in the business of~~ garment manufacturing industry and defines “garment manufacturing” to mean sewing, cutting, making, processing, repairing, finishing, assembling, or otherwise preparing any garment or any article of wearing apparel or accessories designed or intended to be worn by any individual for sale or resale by any person contracting to have those operations performed. Specifically, existing law requires every person engaged in the business of garment manufacturing to register with the Labor Commissioner. *Existing law provides that certain persons, including persons who engage solely in that part of the business engaged solely in cleaning, alteration, or tailoring, are not subject to those regulations.*

This bill would ~~specify that embroidering done by a small business, as defined, is not included within the definition of garment manufacturing~~ *provide that persons who engage solely in the alteration, by any means or method, of the appearance of garments previously shipped by a garment manufacturer as ready-to-wear apparel are also not subject to the regulations pertaining to garment manufacturing.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2671 of the Labor Code is amended to
2 read:

3 2671. As used in this part:

4 (a) “Person” means any individual, partnership, corporation,
5 limited liability company, or association, and includes, but is not
6 limited to, employers, manufacturers, jobbers, wholesalers,
7 contractors, subcontractors, and any other person or entity engaged
8 in the business of garment manufacturing.

9 “Person” does not include any person who manufactures
10 garments by himself or herself, without the assistance of a
11 contractor, employee, or others; any person who engages solely
12 in that part of the business engaged solely in cleaning, alteration,
13 or tailoring; *any person who engages solely in the alteration, by*
14 *any means or method, of the appearance of garments previously*
15 *shipped by a garment manufacturer as ready-to-wear apparel;*
16 any person who engages in the activities herein regulated as an
17 employee with wages as his or her sole compensation; or any
18 person as provided by regulation.

19 (b) (1) “Garment manufacturing” means sewing, cutting,
20 making, processing, repairing, finishing, assembling, or otherwise
21 preparing any garment or any article of wearing apparel or
22 accessories designed or intended to be worn by any individual,
23 including, but not limited to, clothing, hats, gloves, handbags,
24 hosiery, ties, scarfs, and belts, for sale or resale by any person or
25 any persons contracting to have those operations performed and
26 other operations and practices in the apparel industry as may be
27 identified in regulations of the Department of Industrial Relations
28 consistent with the purposes of this part.

29 ~~(2) (A) “Garment manufacturing” does not include~~
30 ~~embroidering done by a small business.~~

31 ~~(B) For purposes of this paragraph, the following definitions~~
32 ~~apply:~~

33 ~~(i) “Embroidering” means using an electronic program that~~
34 ~~directs embroidery equipment to reproduce a design on finished,~~
35 ~~ready-to-wear apparel.~~

1 (ii) ~~“Small business” means a business that employs 10 or fewer~~
2 ~~people.~~

3 (3) ~~The part.~~ The Department of Industrial Relations shall adopt,
4 and may from time to time amend, regulations to clarify and refine
5 the definition of garment manufacturing in this subdivision to be
6 consistent with current and future industry practices, but the
7 regulations shall not limit the scope of garment manufacturing, as
8 defined in this subdivision.

9 (c) “Commissioner” means the Labor Commissioner.

10 (d) “Contractor” means any person who, with the assistance of
11 employees or others, is primarily engaged in sewing, cutting,
12 making, processing, repairing, finishing, assembling, or otherwise
13 preparing any garment or any article of wearing apparel or
14 accessories designed or intended to be worn by any individual,
15 including, but not limited to, clothing, hats, gloves, handbags,
16 hosiery, ties, scarfs, and belts, for another person. “Contractor”
17 includes a subcontractor that is primarily engaged in those
18 operations.